

REGULAR MEETING of the Burrillville Town Council held Wednesday, September 8, 2010 at 7:47 P.M. in the Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: None

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. MOTION to accept the minutes of the regular meetings of July 14 and August 11, 2010; the workshop and special meeting of June 30, 2010; and the special meeting of July 7, 2010; and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop.

AMENDMENT that on page three of the June 30 minutes, under Special Appropriations “after discussion, the following was voted” be added.

Amendment by Councilor Margaret L. Dudley. Seconded by Councilor

Norman C. Mainville.

The vote on the amendment was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The vote on the main motion was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

3. Public Comment

Nancy Angell of Hill Road commented on the efficiency of the repairs to the Round Top Bridge, commending the appearance of the bridge.

4. General Good and Welfare of the Town of Burrillville

Councilor Norman C. Mainville commented on the efficiency of the work at the Round Top Bridge, noting that the bridge closure had been limited to 45 days.

Councilor Norman C. Mainville congratulated the Burrillville Farmers' Market on having won 18th place nationwide in their category in the 2010 America's Favorite Farmers' Market TM competition. Councilor

Mainville praised the market.

Councilor Margaret L. Dudley announced a field day at the Burrillville High School football field on September 18, 2010 at 1:00 P.M.

Councilor Margaret L. Dudley announced the Pascoag Utility District's Fourth Annual Power Green Festival on September 18, 2010 at 10:00 A.M.

Councilor Margaret I. Dudley announced the Friends of the Library Craft Vendor Fair scheduled for October 24, 2010.

Michael C. Wood, Town Manager, announced the Ocean State Power grant application is available in the Treasurer's office.

5. Petitions: None

6. Special Business:

10-207 VOTED to open the correspondence from Councilor Norman C. Mainville regarding his request for recognition of Lieutenant Lareto Guglietta, Sergeant Dennis Leahey, Officer Michael Bouchard, Detective Wayne Richardson and Dispatcher Lisa Rabideau.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Councilor Norman C. Mainville commended and congratulated Lieutenant Lareto Guglietta, Sergeant Dennis Leahey, Officer Michael Bouchard, Detective Wayne Richardson and Dispatcher Lisa Rabideau on a job well done on August 28, 2010 when a large neighborhood yard sale resulted in serious traffic problems.

VOTED to award letters of commendation to the individuals cited in the letter.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-208 VOTED to adopt a proclamation recognizing September as Ovarian Cancer month.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.

Karmozyn Jr. and Norman C. Mainville.

10-209 VOTED to grant a Special Event Entertainment license to Downtown Pascoag Neighborhood Association to apply for the Pumpkin Festival to be held on October 23, 2010 at Veterans Park & Riverwalk on property owned by the Town of Burrillville (Map 175, Lots 29 and 30); and to waive the application fee.

Motion by Councilor Robert A. Bishop. Seconded by Councilor John M. Karmozyn, Jr.

Discussion: Council President Nancy F. Binns commended the Downtown Pascoag Neighborhood Association for their adept management of local events and congratulated them on their success.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-210 VOTED to grant a Class F liquor license to the Nasonville Volunteer Fire Department to apply at the Fall Chowder & Clam Cake Fundraiser to be held on September 19, 2010 at 2577 Victory Highway, Nasonville on property owned by the Nasonville Volunteer Fire Department.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

7. Public Hearings:

10-190 Public Hearing: Relative to considering and acting on the proposed amendments to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles is hereby amended by adding the following: Sec. 26-39. Handicap parking zone

NOTE: The notice of hearing was advertised in the legal section of the Woonsocket Call on Wednesday, September 1, 2010.

(a) Recommendations of the Ordinance Subcommittee.

Councilor Margaret L. Dudley noted that the proposed ordinance had been considered by the Ordinance Subcommittee at the request of WellOne. She explained that handicap parking on The Bridgeway had become necessary because of the WellOne expansion. Councilor Dudley indicated that the Ordinance Subcommittee recommended passage.

(b) Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager, Administrative Staff)

Michael C. Wood, Town Manager, distributed a plan of the proposed sidewalk improvement project, commented that the handicap parking proposal suited the overall plan and recommended adoption of the proposed ordinance.

(c) Proponents:

Peter Bancroft, the Director of WellOne spoke in favor of the proposal.

(d) Opponents: None

(e) VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

(f) Town Council Members Comments/Input/Deliberation

There was discussion of the handicap parking zone proposal, the impact on the appearance of the area, the proposed bus stop on

Sayles Avenue, added convenience for WellOne patients, and traffic flow of school buses driving in the vicinity.

(g) VOTED to adopt amendments to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles is hereby amended by adding the following: Sec. 26-39. Handicap parking zone, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled Traffic and Vehicles is hereby amended by adding the following:

Sec. 26-39. Handicap parking zone.

To ensure safe and equal access to goods and services for people with disabilities, the following parking spaces are hereby designated as handicap parking spaces. Vehicles parked in handicap parking spaces must display a handicap permit or license plate pursuant to RIGL §§31-28-7 and 31-28-7.1

Street Side Location

The Bridgeway South Three (3) spaces, as identified by the posting of signs, in front of the building located at 36 Bridgeway in the Village of Pascoag, beginning at a point approximately 20 feet east of the

intersection of The Bridgeway and Sayles Avenue.

This ordinance will take effect 10 days after passage.

Adopted this 8th day of September 2010

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

(h) VOTED to adjourn the public hearing

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-191 Public Hearing: Relative to considering and acting on the proposed amendments to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 4 entitled Animals, §§4-4 Penalty. and 4-71. Impoundment fees

NOTE: The notice of hearing was advertised in the legal section of

the Woonsocket Call on Wednesday, September 1, 2010.

(a) Recommendations of the Ordinance Subcommittee

Councilor Margaret L. Dudley reported that the proposal incorporates changes authorized by 2010 special acts of the general assembly. The proposal, she said, would increase fines and fees. Councilor Dudley said that the Ordinance Subcommittee recommended passage.

(b) Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager, Administrative Staff)

Michael C. Wood, Town Manager, noted that the changes would provide that repeat offenders be referred to municipal court. Mr. Wood recommended passage.

(c) Proponents: None

(d) Opponents: None

(e) VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.

Karmozyn Jr. and Norman C. Mainville.

(f) Town Council Members Comments/Input/Deliberation

Councilor Kevin D. Heitke reviewed provisions of the ordinance and suggested that violations of animal control ordinances could be better addressed through referral to municipal court.

(g) VOTED to adopt amendments to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 4 entitled Animals, §§4-4 Penalty. and 4-71. Impoundment fees, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

The Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 4 entitled Animals is hereby amended as follows:

§§4-4 and 4-71 are repealed in their entirety and replaced with the following:

Sec. 4-4. Penalty.

Except as otherwise provided in this chapter, penalties for violation of the provisions of this chapter shall be as follows:

First offense: \$20.00.

Second offense: \$30.00

Third offense: Owner shall be cited to appear before the Burrillville Municipal Court, and, upon conviction, said owner shall be fined in accordance with §11-5 of the ordinances of the Town of Burrillville. Each day's violation may constitute a separate offense.

Sec. 4-71. Impoundment fees.

(a) Fees for impoundment of any animal impounded under this chapter shall be as follows:

First day animal is impounded: \$10.00.

Each additional day animal is sheltered: \$5.00

(b) Any animal impounded under this article may be reclaimed as provided in this article upon payment by the owner to the animal control officer of all applicable fines and fees.

This ordinance will take effect 10 days after passage.

Adopted this 8th day of September 2010

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

(h) VOTED to adjourn the public hearing.

Motion by Councilor Norman C. Mainville. Seconded by Councilor

John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

8. Unfinished Business: None

9. New Business:

10-211 VOTED to open the presentation by Jason M. Rhodes, MPA/EM, BS, CFM, Director, Burrillville Emergency Management Agency relative to a) planning for the 9-11 service and b) in-school flu clinics for grades kindergarten through eight.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Jason M. Rhodes, MPA/EM, BS, CFM, Director, Burrillville Emergency Management Agency announced the 9-11 commemoration would be held at 9:30 A.M. on Saturday, September 11, 2010 in conjunction with the Farmers' Market. Mr. Rhodes said that, in recognition of Preparedness Month, emergency preparedness kits would be distributed. Mr. Rhodes explained the Rhode Island Department of

Health flu shot clinics for students in grades kindergarten through eight. November and December dates would be scheduled shortly, he said.

10-212 Pascoag Reservoir Dam Management District annual report.

Kevin Menard, President, Pascoag Reservoir/Echo Lake Dam Management District, noted that the ordinance required an annual report from the District to the Town Councils of the towns of Burrillville and Glocester. Mr. Menard summarized the report and activities of the District and acknowledged the support of the Town Council and Administration in establishing the district.

VOTED to receive and file.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-213 Consider and act on awarding of bids.

a) Burrillville Roadway Investment – Local Equity Aid Program (LEAP), Roadway Reclamation and Resurfacing Project

VOTED to open.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Michael C. Wood, Town Manager, commented on the process governing acquisition of LEAP stimulus funds and reviewed the roadways included in the project.

VOTED to approve the contract to Thielsch Engineering, Inc. for materials testing and inspection for Central Street and Tarkiln Road only, totaling \$10,310.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

b) Burrillville RI LEAP Roadway Reclamation and Resurfacing Projects Material Laboratory and Inspection Services

VOTED to award the bid to D'Ambra construction.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

VOTED to fund the Town's share of costs related to the RI LEAP Projects Improvements on Central Street and Tarkiln Road, in the amount of \$84,000, which is supplementary funding for the completion of Central Street and portions of Tarkiln Road, from funding available in the DPW Capital Improvement Budget [0100784] due to prior projects that came in under budget.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-214 VOTED to open correspondence from Councilor Kevin D. Heitke regarding potential legislation relative to manufacturers of waste.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion

were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Councilor Kevin D. Heitke explained his concerns related to municipalities and citizens carrying the costs of disposal of manufactured waste. Councilor Heitke suggested contacting a representative from Clean Water Action for further discussion and possible action related to manufacturers of waste.

VOTED that we invite a representative from Clean Water Action to speak to us about these specific topics.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-215 VOTED to declare surplus certain items, as listed.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10. Town Clerk/Communication:

10-216 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding the 2010 Rhode Island Resource Recovery Municipal Grant.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Councilors Wallace F. Lees and John M. Karmoyzn, Jr., liaison to the Rubbish and Recycling Committee, had attended a ceremony to accept \$12,800 through the grant program. Funds go to the recycling account. Recycling goals were discussed.

10-217 VOTED to receive and file the correspondence from Kathleen N. Ludgate, Regional Director, U.S. Census Bureau, Boston Region, acknowledging the efforts of the Town of Burrillville as a partner in the 2010 census count.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D.

Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-218 Correspondence from Rhode Island DEM regarding the Trail Grant Award 05-90-10 Recreation Trails Grant (Harrisville to Pascoag Trail in Burrillville). (\$100K)

MOTION to receive and file.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr.

AMENDMENT TO THE MOTION: adding “with thanks to all who made this possible”.

Amendment by Councilor Margaret L. Dudley. Seconded by Council President Nancy F. Binns.

The vote on the motion, as amended, was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-219 VOTED to receive and file the notification to Abutters of Commencement of Site Investigation Activities at 120 New Street, Mapleville. (Boliden)

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-220 VOTED to receive and file the correspondence from Rhode Island Department of Transportation regarding Roadway Flood Damage – Local Roads on the Federal System.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-221 VOTED to receive and file the correspondence from the U.S. Department of Housing and Urban Development regarding the Certification of Project Completion for EDI-Special Project Grant No. B-04-SP-RI-0711 (Hauser Memorial Field Complex Project).

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-222 VOTED to support the Narragansett Town Council's resolution opposing unfunded mandates, as requested by Grady Miller, Town Manager, Narragansett, RI.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

11. Additional Business: None

12. VOTED to adjourn at 8:36 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk